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9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **SAN JOSE DIVISION**

12 EBAY INC.,

13 Plaintiff,

14 v.

15 DIGITAL POINT SOLUTIONS, INC.,  
16 SHAWN HOGAN, KESSLER'S  
17 FLYING CIRCUS, THUNDERWOOD  
18 HOLDINGS, INC., TODD DUNNING,  
19 DUNNING ENTERPRISE, INC.,  
BRIAN DUNNING,  
BRIANDUNNING.COM, and DOES 1-

20 Defendants.  
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Case No. C 08-04052 JF

**[PROPOSED] ORDER DENYING  
DEFENDANTS' REQUESTS FOR  
JUDICIAL NOTICE**

Hearing Date: December 12, 2008

Time: 9:00 a.m.

Judge: Hon. Jeremy Fogel

1           Upon consideration of the Requests for Judicial Notice submitted by Defendants  
2 Todd Dunning and Dunning Enterprise, Inc.; Thunderwood Holdings, Inc., Brian Dunning  
3 and BrianDunning.com; Shawn Hogan and Digital Point Solutions, Inc.; and Kessler's  
4 Flying Circus, and eBay's Oppositions thereto, the Court hereby DENIES Defendants'  
5 requests for Judicial Notice.

6           IT IS SO ORDERED.

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8 Dated: \_\_\_\_\_

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Honorable Jeremy Fogel  
United States District Judge

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